ZONING RECLASSIFICATION APPLICATION	Case No. <u>085 (Payce</u>) Date Filed <u>3-3-98</u>
Harford County Board of Appeals Bel Air, Maryland 21014 Bel Air, Maryland 21014	Hearing Date Pre-Conf Receipt
Shaded Area For Office Use Only	Fee_ 1 1730.

Note

- 1. It is required that the applicant have a pre-filing conference with the Department of Planning and Zoning to determine the necessary additional information that will be required.
- 2. The burden of proof in any rezoning case shall be upon the Petitioner.
- 3. Any application in a zoning case and any amendment thereto shall contain specific allegations setting forth the basis for granting of the request.
- 4. Petition must contain names and addresses of all persons having legal or equitable interest in the property, including shareholders owning more than five percent (5%) of the stock in a corporation having any interest in the property, except those corporations listed and traded on a recognized stock exchange.
- 5. Application will be reviewed for completeness within ten (10) working days of submittal. Applicant will be notified by mail of completeness of application.

Petitioner

Name	orning Brook, LLC		Phone Number			
Address	P.O. Box 470		Fallston,	Marylar	nd	21047
	Street Number	Street			State	Zip Code
Property	Owner See above.		Phone Number_			
Address_						`
	Street Number	Street			State	Zip Code
Contract	Purchaser_		Phone Number_			
Address_						
	Street Number	Street			State	Zip Code
Attorney,	Robert S. Representative <u>Stark a</u>	Lynch, nd Keena	Esq. & Lawrence F. Kreis, Jr., n., P.A. Phone Number	Esq. (410)	838-5522	2/879-2222
Address_	30 Office Street		Bel Air,		/land	21014
_	Street Number	Street			State	Zip Code

Hearing: 6/1/98

Land Description

Subdivision_	N/A	Lot	Number <u>*</u>	Acreage	/Lot Size	122.2	Election Dis	strict 04
Existing Zoning_		Proposed						
Tax Map No		Grid No						
		/A						
-		ments: Vacant						
		on development,						
		on development,						
Example: Conve	ntional, Conve		n Space, Pl	lanned Residen	designat	elopment) R	ural Reside	ntial

Required Information To Be Attached (Submit three (3) copies of each):

- (a) The names and addresses of all persons, organizations, corporations, or groups owning land, any part of which lies within five hundred (500) feet of the property proposed to be reclassified as shown on the current assessment records of the State Department of Assessments and Taxation.
 - (b) A statement of the grounds for the application including:
 - (1) A statement as to whether there is an allegation of mistake as to the existing zoning, and if so, the nature of the mistake and facts relied upon to support this allegation.
 - (2) A statement as to whether there is an

allegation of substantial change in the character of the neighborhood, and if so, a precise description of such alleged substantial change.

- (c) A statement as to whether, in the applicant's opinion, the proposed classification is in conformance with the Master Plan and the reasons for the opinion.
- (d) A Concept Plan shall be submitted by the applicant at the time the application is filed. The Concept Plan shall illustrate the following:
 - (1) Location of site.
 - (2) Proposed nature and distribution of land uses, not including engineering drawings.
 - (3) Neighborhood (as defined by the Applicant).

MORNING BROOK, LLC PARCEL NO.: 38

- (b) (1) The Applicant maintains that there is a mistake as to the existing AG zoning. The subject property as shown on the 1996 Land Use Element Plan and Land Use Map is designated "Rural Residential". (See attachment (b) (1) Land Use Map & Key). The property has frontage on Morse Road, which connects to Md. Rt. 165 which is an arterial road. The current AG zoning is not consistent with the Master Plan, and given the major residential development that has occurred since 1989, the Agricultural character of the neighborhood has changed. At the time of the 1989 Comprehensive Rezoning, Harford County failed to zone the property to a Rural Residential classification that would be consistent with the Master Plan and the neighborhood.
- (2) Since the last Comprehensive Rezoning in 1989, there have been numerous changes in the neighborhood. Since 1989, the Morning Brook subdivision has been constructed on lands immediately adjacent to the subject property. Extensive residential development has also occurred primarily to the North, West and South of the subject site.
- (c) The proposed reclassification of the property to an RR zoning classification use is consistent with the 1996 Land Use Element Plan and Land Use Map (See attachment (b)(1)).
 - (d) (1) See attachment (d)(1).
- (2) The rezoning of this property to Rural Residential would result in the development of a Rural Residential Development

of single family homes similar to what has already been constructed in the neighborhood.

- (3) Neighborhood: The neighborhood is defined as the area bordered by Rt. 152 to the West; Charles Street and the West Branch of Winters Run to the South; High Point Road to the East and Jarrettsville Road to the North. (See attachment (d)(3)).
 - (4) See attachment (d)(3).
- (5) There are not Capital Improvement projects identified in the FY1997-1998 C.I.P. for this area.
 - (e) Rezoning in the neighborhood: None.
 - (f) See attachment (d)(1).
 - (g) See attachment (d)(g)
 - (h) None
 - (i) None
 - (j) Private water and private septic system

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